REMARKS

Status of the Claims

Claims 1-18, and 30-49 are pending in the application, Claims 6, 8-10, 14, 30, 35, 37-39, and 43 having been amended to correct typographical errors and Claims 19-29 and 50-64 having been canceled in the present amendment as being directed to non-elected claims, it being understood that these claims are canceled without prejudice, subject to applicants' right to file a divisional application directed to the subject matter thereof during the pendency of the present application.

Restriction

In an Office Action dated April 27, 2004, the Examiner issued a Restriction. Applicants' attorney elected Claims 1-18 and 30-49 without traverse.

Objections to Specification

The Examiner has objected to the specification because the summary of the invention is not included "as required by MPEP § 608.01(d)." Applicants respectfully note that MPEP § 608.01(d) merely states that "A brief summary of the invention .... *should* precede the detailed description." (Emphasis added.) Thus, a summary is not required. However, applicants have amended the specification to include a Summary as set forth above in the amendment section. This added Summary simply paraphrases the claims in the application as filed, and therefore, is clearly not new matter. Accordingly, applicants respectfully request that the Examiner withdraw his objection to the specification.

Claim Objections

The Examiner has objected to Claims 6, 8-10, 14, 30, 35, 37-39 and 43 because the claims have a number of misspelled words. In response, applicants have made the following amendments to the claims:

1) The word "spefications" has been amended to read "specifications" in Claims 6 and 35.

2) The word "exporatable" has been amended to read "exportable" in Claims 8, 9, 37, and Claim 38.

3) The word "ogranized" has been amended to read "organized" in Claims 10 and 39.

4) The word "includs" has been amended to read "includes" in Claims 14 and 43.

5) The word "instrutions" has been amended to read "instructions" in Claim 30.

6) The word "perfom" has been amended to read "perform" in Claim 39.

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In view of these amendments, applicants respectfully request that the Examiner withdraw his objections to Claims 6, 8-10, 14, 30, 35, 37-39, and 43.

Claims Rejected under 35 U.S.C. § 102(e)

The Examiner has rejected Claims 1-18 and 30-49 as being anticipated by Watanabe et al. (U.S. Patent No. 6,763,458 – hereinafter referred to as "Watanabe"). The Examiner asserts that Watanabe describes each element of applicants' claims. Applicants respectfully disagree for the reasons noted below.

In the interest of reducing the complexity of the issues for the Examiner to consider in this response, the following discussion focuses on independent Claims 1 and 30. The patentability of each dependent claim is not necessarily separately addressed in detail. However, applicants' decision not to discuss the differences between the cited art and each dependent claim should not be considered as an admission that applicants concur with the Examiner's conclusion that these dependent claims are not patentable over the cited references. Similarly, applicants' decision not to discuss differences between the prior art and every claim element, or every comment made by the Examiner, should not be considered as an admission that applicants concur with the Examiner's interpretation and assertions regarding those claims. Indeed, applicants believe that all of the dependent claims patentably distinguish over the references cited. However, a specific traverse of the rejection of each dependent claim is not required, since dependent claims are patentable for at least the same reasons as the independent claims from which the dependent claims ultimately depend.

Discussion of the Rejection of Independent Claim 1

With regard to independent Claim 1, significant differences exist between Watanabe and applicants' claim recitation, because Watanabe neither teaches nor suggests determining a classification for the exportable data, or exporting that data in a cross application function/service based manner.

The first step of applicants' Claim 1 specifically recites "determining cross application function/service classifications of exportable data of an application." This step recites at least three requirements, but not all of these requirements are disclosed or suggested by Watanabe. The requirements include: (1) determining classifications of data; (2) that the data must be exportable data; and, (3) that the classifications must be cross application function/service classifications. The Examiner has asserted that Watanabe teaches these features of the claim recitation because Watanabe

reads data 703 in the local database 702 and creates or updates an exported data file 712 on the compatible partition 612. The Examiner also cites FIGURES 6-7 and column 33, lines 46-48 of Watanabe in support of his assertion. Applicants respectfully disagree.

Watanabe actually discloses (with the portion cited by the Examiner underlined):

The data publisher/subscriber 710 program's function is <u>to regularly perform the following tasks. It reads data 703 in</u> **the local database 702 and it creates or updates an "exported data" file 712 on the compatible partition 612 (Step 451c). As a simplification for the purposes of this discussion, it is assumed that the exporting of the database 702 exports the complete database including all of the data 602 in it, and an update to the exported data file 712 means that it is completely overwritten. Elaborations and alternatives to this** overwrite procedure are of course possible which limit the exporting of data 702 to only those data elements that have changed through the use of additional logic and/or programmatic elements. Means for identifying changed data are known in the art and not described here. (Emphasis added, Watanabe, column 33, lines 45-58.)

This citation to Watanabe discloses the steps of reading data 703 from local database 702 and creating or updating an exported data file 712. Watanabe does not teach or suggest any equivalent to applicants' step of determining classifications of data. (Note that an exemplary classification model is disclosed in FIGURES 3A-3C of applicants' specification.) There is simply no basis for asserting that any data entered into the local database of Watanabe is ever classified. Watanabe does not disclose the structure or content of the database. Even assuming, *arguendo*, that the data were classified via a determination prior to entry into the local database 702, applicants' claim also requires that the classification must be based on cross application function/service classifications. Clearly, there is no teaching or suggesting in Watanabe regarding determining classification of data by a function or service classification.

The second step of applicants' Claim 1 recites "exporting said exportable data of said application in a cross application function/service based manner, based at least in part on said determined cross application function/service classifications of said exportable data." To read on this step, the cited art must thus teach or suggest all of the following: (1) exporting the application's exportable data; (2) exporting the data in a cross application/service based manner, and (3) that the exporting is based at least in part on the exportable data's determined cross application function/service classifications. The Examiner has asserted that Watanabe teaches these claim recitations. It appears that the Examiner assumes that when Watanabe exports database 702, the

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complete database is exported, including all of the data 602 in it as well as an update, if the exported data file 712 is completely over written. The Examiner cites FIGURES 6-7 and column 33, lines 47-53 of Watanabe in support of his assertion (the portion cited by the Examiner is shown in bold font in the above citation).

But, as explained above, there is no determination of cross application function/service classifications, so this recitation of applicants' claim is not taught or suggested by Watanabe. And, there is no indication that the data are exported in a cross application/service based manner. Applicants' specification discloses that:

> **Figure 4** illustrates the operational flow of the relevant aspects of data exporter **108**, in accordance with one embodiment. As described earlier, data exporter **108** is equipped to export exportable data of an application in a <u>function/service based manner</u>, referencing preferentially the application's descriptor, and the cross application function/service based data classification model of the present invention. (Emphasis added; see applicants' specification, page 16, lines 12-17.)

Thus, exporting data in a cross application function/service based manner is performed by a data exporter 108 in one disclosed embodiment, and the data exporter references the application's descriptor and the classification model. In contrast, the citation provided by the Examiner merely discloses that exporting of the database exports the complete database, but the citation does not explain how or in what manner or other details relating to the data exported.

Accordingly, the rejection of independent Claim 1 under 35 U.S.C. § 102(e) over Watanabe should be withdrawn, for the reasons given above, since Watanabe does not teach or suggest all of the recitation of independent Claim 1.

Claims 2-18 ultimately depend from independent Claim 1. Because dependent claims inherently include all of the steps or elements of the independent claim from which the dependent claims ultimately depend, dependent Claims 2-18 are patentable for at least the same reasons discussed above with regard to independent Claim 1. Accordingly, the rejection of dependent Claims 2-18 under 35 U.S.C. § 102(e) over Watanabe should be withdrawn.

Discussion of the Rejection of Independent Claim 30

Independent Claim 30 is directed towards an article of manufacture comprising a storage medium and machine readable programming instructions to enable an apparatus to perform steps similar to those recited in Claim 1. The Examiner has rejected these steps for the same reasons as the rejection of the steps of independent Claim 1. For reasons similar to those noted above in connection

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with the traverse of the rejection of independent Claim 1, independent Claim 30 also distinguishes over Watanabe. Accordingly, the rejection of independent Claim 30 under 35 U.S.C. § 102(e) over Watanabe should be withdrawn.

Claims 31-49 ultimately depend from independent Claim 30. Because dependent claims inherently include all of the steps or elements of the independent claims from which the dependent claims ultimately depend, dependent Claims 31-49 are patentable for at least the same reasons discussed above with regard to independent Claim 30 (i.e., an Claim 1). Therefore, the rejection of dependent Claims 31-49 under 35 U.S.C. § 102(e) over Watanabe should be withdrawn.

Discussion of the Rejection of Dependent Claim 2 and Claim 31

Dependent Claims 2 and 31 recite "...wherein said determining of cross application function/service classifications of exportable data of an application comprises determining the cross application function/service classifications of data specified in data publication statements of the application." The Examiner asserts that Watanabe discloses this step because Watanabe's data publisher reads the new data to import file 724 in the compatible partition 612, and the Examiner cites Figures 6-7 and column 35 lines 29-36 in support of his position.

Watanabe discloses (with the portion cited by the Examiner underlined):

> At a later time, the primary operating system mode is started in conventional manner (Step 460), for example started manually by the user for his normal use of the system. The data publisher/subscriber program 710 is launched automatically (Step 461), for example, by the <u>Windows NT service, as described in Step 451. The data publisher/subscriber performs the following tasks, which is an additional responsibility to that of Step 451. It reads the "new data to import" file 724 in the compatible partition 612 (Step 462). It then interprets the data within that file (for example the XML encoded data stream), assumed to be in the same format as that used in Step 451 for the converse data flow (Step 463), and generates updates to the local</u> database 702 (Step 463). It was stated relative to Step 458, that as a simplification for the purposes of this description, the XML file encodes the complete state of the database (Step 464). Therefore, the database update process can be accomplished by clearing of previous state of the database and repopulating it with data interpreted from the XML file. (Emphasis added; Watanabe, column 35, lines 24-42.)

It appears that this citation to Watanabe is directed to a publisher of data that is reading and interpreting a file. In contrast, applicants' claim provides for making classifying data and is not directed to publishing data. An interpretation of the publishing of data, as described by Watanabe, is

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not equivalent to applicants' recitation of the classification of data identified in data publication statements. Also, note that applicants do not recite "a data publisher," and there is no reason to presume that a data publisher is equivalent to data publication statements. Applicants' data publication statements are descriptions of the data that the application may publish (see applicants' specification, page 10, lines 8-17.

Accordingly, the rejection of dependent Claim 2 and 31 under 35 U.S.C. § 102(e) over Watanabe should also be withdrawn for the reasons given above, since Watanabe does not teach or suggest all of the recitation of dependent Claims 2 and 31. Accordingly, the rejection of dependent Claims 2 and 31 under 35 U.S.C. § 102(e) over Watanabe should be withdrawn.

In view of the amendment to correct matters of form, and the Remarks set forth above, it will be apparent that the claims remaining in this application define a novel and non-obvious invention, and that the application is in condition for allowance and should be passed to issue without further delay. Should any further questions remain, the Examiner is invited to telephone applicants' attorney at the number listed below.

Respectfully submitted,

Sabrina K. MacIntyre
Registration No. 56,912

SKM/RMA:cai:klp

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on September 7, 2005.

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LAW OFFICES OF RONALD M. ANDERSON
600 - 108th Avenue N.E., Suite 507
Bellevue, Washington 98004
Telephone: (425) 688-8816   Fax: (425) 646-6314

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